

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Orhomuru, Sunday)	Docket:	06-0713-SOR.RA
)		
Serial No.:	09/862,789)	Examiner:	Jacobs, Lashonda T.
)		
Filed:	September 21, 2001)	Group Art Unit:	2457
)		

For: **DATA TRANSFER OR TRANSFER OF DATA USING
WIRELESS MOBILE PHONE AND ANY OTHER
WIRELESS MOBILE DEVICES**

Dated: March 30, 2009

Mail Stop – Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

Appellant submits the following Reply Brief pursuant to 37 C.F.R. §41.41(a)(1) for consideration by the Board of Patent Appeals and Interferences, and in response to the Examiner's Answer mailed February 1, 2010.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Postal Service via EFS-
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March 30, 2010
(Date)

I. STATUS OF CLAIMS

In response to the Appeal Brief filed on January 4, 2010, the Examiner has maintained rejections of claims 5-6 under 35 U.S.C. §102(e) as being anticipated by Xu, U.S. Patent Application Publication No. 2002/0073076 (“Xu”); and claims 9-11 under 35 U.S.C. §103(a) as being unpatentable over Xu in view of Haynes et al., U.S. Patent No. 7,110,968 (“Haynes”).

II. RESPONSE TO EXAMINER’S ARGUMENTS IN THE ANSWER

In addition to the arguments provided in the Appellant’s Appeal Brief filed on January 4, 2010, Appellant provides the following remarks regarding the Examiner’s Answer mailed on February 1, 2010.

Each of Appellant’s independent claims 5 and 6 include a limitation describing a feature by which a user may access data, post data, update data and delete data from data files and database files, **both online and offline**, via a browser. Claim 9 depends from claim 6, and claim 10 and claim 11 depend from claim 9, which ultimately depends in turn from claim 6. Accordingly, claims 9-11 contain all the limitations of claim 6.

Turning now to the Examiner's rejections of claims 5 and 6, the Examiner argues that Xu can perform such operations, both online and offline. This is contrary to what is clearly stated by Xu, and Appellant has discussed in detail why online operations claimed in claims 5 and 6 are not taught or in any way suggested in the invention disclosure of Xu. In fact, the title of Xu clearly indicates that Xu's invention is for offline modifications of databases, not online.

In the Examiner's Answer, the Examiner states:

"The mobile device in Xu et al is able to access the internet and allow the user to perform search queries, create, add, delete and update database files while the user is connected to the Internet (online). The database search engine is only downloaded to the mobile device when the client is working offline. Thus the client of the mobile device in Xu et al is able to perform user create, add, delete, update and search database files online and offline..." (Answer at pages 7-8).

The Examiner appears to be mistaken in several respects. First, Xu is a "System and Method for Enabling Offline Database Functionality" (Emphasis Added). As the title explicitly states, Xu teaches offline actions. It is clear not only from Xu's title, but also reading Xu, that a user is offline when the user utilizes Xu's offline database manager program for enabling offline database functionality.

Secondly, the Examiner cites paragraphs [0012], [0013], [0031], [0034], [0035], [0038], [0046-0047], and [0051] as evidence that Xu teaches allowing a user to access data, post data, update data and delete data from data files and database files, both online and offline. The Examiner misreads these passages. Specifically, with respect to paragraph [0012] of Xu, the Examiner appears to reason that just because the mobile device in Xu is able to access the Internet, a user is automatically able to access data, post data, update data and delete data from data files and database files, both online and offline. See Examiner's Answer at page 7. However, paragraph [0012] of Xu specifically teaches transferring database files from an online server to an offline client computer. After such database files are stored offline, they are then independent of the online server from which they were downloaded. Thus, manipulation of such downloaded database files occurs locally offline and not through the Internet, even if the user remains connected to that online server.

Additionally, nothing in paragraph [0013] of Xu teaches accessing data, posting data, updating data and deleting data from database files both online and offline. Rather, paragraph [0013] of Xu teaches comparing identifiers tagged to downloaded offline (locally stored) database files with those

identifiers tagged to online (server stored) database files. If the identifiers do not match, then new online database files are downloaded, and transferred from the online server to the offline client computer, so that they can replace the older offline database files. This step would not be required if Xu could modify the databases while online. Moreover, it is important to note, that at this step, the program is just replacing one file with another file, and is not at all altering or manipulating the data within that file. If the identifiers do match, then no new database files are downloaded, and the previous database files currently stored offline at the local computer may be processed. In either case, however, it is only after the downloading of the most recent database files to the offline client computer that such database files are allowed to be processed. Thus, any manipulation (i.e. creating, adding, deleting and updating) of data within such database files by Xu occurs offline, not online.

Further, paragraph [0031] of Xu specifically teaches only offline actions, as each action is done via an offline database manager program with no indication of online activity at all. Additionally, paragraphs [0034], [0038] and [0051] of Xu only teach searching database files both online and offline. Searching does not alter an online database. Further, Appellant had previously

amended the claims to exclude searching, and respectively maintains that the remaining actions of creating, adding, deleting, and updating database files both online and offline are not taught in Xu paragraphs [0034] and [0038], and [0051]. Moreover, paragraph [0035] describes the components of the client computer according to Xu's teachings and makes no reference to manipulating database files online or offline.

Lastly, paragraphs [0046] and [0047] of Xu teach utilizing an offline database manager program to create, add, delete and update database files. It is clear that utilizing Xu's offline database manager program means that the user is offline while performing such creations, additions, deletions and updates. If Xu were capable of modifying online, Xu would certainly so state as such would obviate the necessity of downloading, modifying and uploading the database in order to make changes therein. In fact, paragraph [0046] of Xu only mentions the word online once, and in that particular instance, a user may upload a database file to their online account. That is, the offline database manager program allows a user to create, add, delete and update database files stored locally offline on the client computer, and then subsequently upload such files to an online server. Again, the Examiner is missing the fact that Xu

requires that the database file must first be stored locally offline on a client computer before the user has the option to manipulate such a file, and only thereafter does the user have the option to upload the database file to an online account. Xu further reinforces such teachings in paragraph [0047] and in Figure 4 (specifically steps 401, 402 and 403). Step 401 in Figure 4 states, “Create at least one database file offline.” Subsequent steps to step 401 must occur offline until it is specifically stated that the user is working with database files that are not offline anymore, which never occurs. Xu states, “Step 402 may further include adding a record to the created or existing database file, deleting a record from the created or existing database file, or updating a record in the created or existing database file. At step 403, the modified database files may be uploaded to a storage area, such as, for example, the disk storage device 102 of the web server 101.” It is once again clear that having the option to upload a recently manipulated database file to an online account requires that the database file must first be stored and manipulated locally offline on a client computer. Such is further reinforced by there existing no intermediate step between steps 401 and 402 suggesting that the user is suddenly working with an online database file, and thus steps 401, 402 and 403 mark an indisputable indication that the actions of creating, adding, deleting, and updating database

files taught in step 402 occur solely for offline database files only. Thus, contrary to the Examiner's assertion, Xu fails to disclose a user creating, adding, deleting, and updating database files, both online and offline, and, accordingly, Appellant's invention distinguishes over Xu and all claims should be allowed.

CONCLUSION

For the reasons given above, and those reason's provided in the Appellant's Appeal Brief, the Appellant respectfully submits that the rejections of claims 5-6 and 9-11 are in error and should be reversed.

Respectfully submitted, this 30th day of March, 2010,

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